Office-Supreme Court, U.S.
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No. 80-2166

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1980

MARY TABEROFF,

Petitioner,

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Intervenor Respondent

v.

FARMERS GROUP, INC., and

FARMERS INSURANCE GROUP,

Respondents.

Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

PETITIONER'S REPLY BRIEF.

Mary Taberoff
P.O.Box 272
Kempner, Texas 76539

Mary Taberoff, Pro Se
Tel.: (512)932-3129

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PETITIONER'S REPLY BRIEF.

The Petitioner again pleads with the Court to grant this Writ of Certiorari not only for Mary Taberoff but for all the females and all the minorities(male or female) that will come after me.

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(SORRY MY TYPEWRITER WENT ON THE BLINK)

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Rule 17 Supreme Court; I trust in the "judicial discretion" that the Supreme Court will grant me the Writ of Certiorari.

(SHORT TITLES : FARMERS & EEOC)

FIRST: The EEOC and private attorneys presented into District Court Statistical and Documentary evidence of the overall discriminatory employment "Patterns and Practices" of Farmers denying equal employment to females and all minorities. Mary Taberoff is still a Member of the Class Action. Both the District Court and the Appeals Court were "Clearly erroneous" in not giving Deference to this evidence in the case of Mary Taberoff.

SECOND: Answer on page 3 and 4 (a)5 of the Petition.

REPLY TO No. II, Pages 2,3

Judge W.P.Gray ruled on heresay, half-truths and total untruths. Mary Taberoff was professionally qualified for promotion to position of Security Analyst.

SECURITY ANALYST

Business Background was varied in sales and own in jewelry, hat decorating and importing perfumes. Office: Biller, Bookkeeper, Assistant Cashier, Securities Accounting. EDUCATION: Graduated High School 1933. (WPA Program) NYU, drama and dance. Technical School, Miami, Florida, Typing, Shorthand, and Conversational Spanish. IBM Class, Key Punch 89%, Real Estate Law at Fairfax H.S. Eve. Class, Four Courses at UCLA Eve., 1. Investment Principles, 2. Stock Market and Functions, 3. Advanced Real Estate Finance, 4. Construction Costs and Estimating. After dismissal from Farmers, passed the NASD exam "B", Life and Disability Agent, and Pacific Stock Exchange 88%, Pension and Profit Sharing Plans. At Farmers did extensive research in Common Stocks and made monthly Analytical Reports for the Security Analysts. Used Financial Publications extensively.

PAGE 117, EXHIBIT X-4 FILED U.S. COURT OF APPEALS. Note to R.A.Hollyfield

Personnel Director, Farmers: In July 1969 I asked R. W. Rudy, Treas. for promotion to Security Analyst. "When he strongly objected I told him that he was discriminating against me. He said,"Yes, I am discriminating against you because you are a woman and I do not want a woman as an analyst working with the men over there." "He told me that I was being underpaid by at least three hundred dollars per month....."

WEST'S FEDERAL PRACTICE DIGEST 2d - Jan. 1981 Page 163, 44 (5) Sex Discrimination.

C.A.N.M. 1980 "Evidence, including applicant's testimony that employer's vice-president "told me that he would rather not see a woman work out in the field, that I would be better off at home in the kitchen raising babies (and) that as long as he was working for (employer) he would never ever see a woman working in the field and evidence indicating that the vice-president concluded interview with applicant by throwing her application across the desk at her, was sufficient to justify finding by trial court of discrimination on basis of sex against applicant, who sought to be employed as "floorhand" in oil field." Civil Rights Act of 1964,701 et seq. as amended 42 U.S. C.A. 2000e et seq.-Stone v. D.A.&S.Oil Well Servicing, Inc., 624 F.2d 142.

Griggs v. Duke Power Co., 401 U.S.(424) 1971 at 429-430, 91 S. Ct. 849 at 853,28 L. Ed. 2d 158, 163, "the primary objective (of Title VII) was a prophylactic one:" It was to achieve equality of employment opportunities and remove barriers that have operated in the past to favor an identifiable group of white employees over other employees." (OTHERS IN PETITION).

FARMERS COLLEGE REQUIREMENT IS A PRETEXT.

WAGE DISPARITY ISSUE:

Filed: 11-13-75 by EEOC District Court.

Appeals Court: Excerpt A-I Page 11, my page 6:

(4) "In 1974, the average monthly salary for women was $500 while the average monthly salary for men was $1035, more than double that of women. In 1973 and 1972, the average salary of male employees was also more than double the average salary of female employees."

FILED: JANUARY 10, 1977: Plaintiff Intervenor's Answers to Defendants Fourth Interrogatories to Intervenors: Excerpt A-6 my page No.29(Appendix O Page 12):

AVERAGE (MEAN) MONTHLY SALARY BY OFFICE BY SEX
1975

OFFICE	MALE	FEMALE	DIFFERENCE
1. (00) Home Office	$1,183	$697	$486

(FOR JUDICIAL ECONOMY LEAVING REGIONAL OFFICES OUT).
SOURCE: Farmer's Printout RPG-340A-Special "Detailed--Average Salary Paid and Salary Maximums" (1975)

REPLY TO No. II Pages 3,4
Termination

Mary Taberoff was "set up and fired". Her work assignments were downgraded, she had her work interfered with, was harrassed, browbeaten and threatened. She never saw her Personnel file until after the EEOC and private attorneys had investigated and received the file. Personnel never gave her a hearing before discharge. She was never told by her Supervisors or anyone in Personnel that derogatory statements were put in her file against her. THIS ALL TOOK PLACE AFTER SHE HAD ASKED FOR PROMOTION TO SECURITY ANALYST POSITION AND AFTER SHE FILED IN APRIL 1970 with the EEOC against "Farmers" for Sex Discrimination.

R. W. Rudy, Wm. Bock and L. Woo were my various Supervisors. I was fired because of Sex, Female, and filing with EEOC charges.

42-2000e-3 page 312 Note 15.

Inferences

"Inferences from circumstantial facts may frequently amount to full proof of a given theory and may on occasion even be strong enough to overcome effect of direct testimony to contrary". Rutherford v. American Bank of Commerce, C.A.N.M.1977, 565 F.2d 1162.

REPLY TO No. II Pages 3,4

"Circumstances indicating that a representative of prospective employer was sufficiently interested in plaintiff that he made contact with defendant as plaintiff's former employer and did not advise plaintiff until after such contact that she had no chance of employment with prospective employer were such as to permit an inference that, as result of information imparted by defendent to prospective employer concerning act of plaintiff in filing a sex discrimination charge against defendant, plaintiff lost her employment opportunity with prospective employer." Id.

"FARMERS" BLACKBALLED ME.(DOUBLE EMPHASIS).

REPLY TO No. III Page 4, 5,6

Petitioner, Mary Taberoff never selected any attorney. This was done by the EEOC.

SEE:page 3 & 4 (a) 5 Question and Statement.

CONCLUSION: CLEARLY ERRONEOUS (EMPHASIS).

I think that the Supreme Court, after reviewing the complete record will be in a better position to judge what is"factual", "credible" and "TO LOOK BEHIND THE MASK OF EVENTS BEFORE COMING TO A DECISION"(West) (BECAUSE OF JUDICIAL ECONOMY I WILL TRY TO MAKE MY ANSWERS AS SHORT AS POSSIBLE)

FARMERS APPENDIX, PAGES 1-12 :

(REPLY): CONT.:

FARMERS APPENDIX, PAGES 1-12CONT.:

Title of case: Farmers intentionally omitted, EEOC, Plaintiff Intervenor.

All evidence of Plaintiff was in Court with Mary Taberoff, but, not permitted to present.

FINDINGS OF FACT

1. True

2. Half-True: Mary Taberoff employed Jan2, 1962, Title Securities Accountant. Record date never reflected that she had been given title of Bond Accountant.

3. True.

4. True.

5. Half-True (Letter Dated 15,1977 to Defendant's Attorney, signed by Russell Specter)

(1) "Mary Taberoff accepts only as a class representative and not as an individual;

(2) Mary Taberoff intends to exercise her right to have her individual case tried on its merits;

(3) Mary Taberoff does not as an individual accept any limitation on her right to access to any position from which she may have been excluded because of disparate treatment based on sex or an unlawful selection criterion as such limitations may have been imposed on the class by the proposed decree." (ON FILE)

PARMERS APPENDIX PAGES 1-12 CONT.:

PROMOTION CLAIM

6. True.

7. NOT TRUE (Some males received degree after employment) DEGREE A PRETEXT.

8. Not true.

9. College degree cannot measure performance as a Security Analyst. Not a Business neccessity.

10. Half-True. Frank Reinesto, no college, Security Analyst promotion and then to Sr. Security Analyst promotion, hypersensitive, but an excellent analyst. Not Business necessity.(EMPHASIS)

11. True.

12. Not True. Graduated High School 1933, (SEE PAGES 2,3,4,5 THIS REPLY).

13. Not true (See 12) Mary Tabevoff exercised independent judgement and did Analytical Reports for Security Analysts-Month/End, and also, for General Accounting Dept.

14. Not True. (See pages 2,3,4,5,this reply)

15. Not true. The Court heard heresay, half-truths, total LIES(EMPHASIS) spoken and documentary.

FARMERS APPENDIX PAGES 1-12Cont.:

a. Not True. (All Mary Taberoff's Performance Appraisals, Excellent, Very Good.

Important to review depositions of:Mary Taberoff, R. Rudy, L. Woo, Al Von Achnabl, W. Bock, Al Milho, R. Hollyfield, on file: and George Maslach.
District and Appeals Courts.)

1) Not true. Distorted.

2) Not true. Mary Taberoff never used threatening language. It was the Security Analyst job to collect overdue moneys and was turned over to me by R. Rudy Treas.

3)Not true. Distorted.

b.Not True. Mary Taberoff's Intelligence Score 106, above average when first employed. This is how my good name was besmirched. Mary Taberoff never refused to do work for any supervisor. A-31,A-32,A-44,A-62,A-64 not in designation, also, do not have A-61 and a (few others)

c. Not true.

1). Not true. Farmers New World Life sent incorrect information. Later they sent corrected copies.

2) Not true.

3) Not True.

d. Part -True (Was harrassed by immediate Supervisors, W.Bock, L. Woo, and R. Hollyfield, Personnel Dir. (THE REST IS A DOWNRIGHT LIE!! (DOUBLE EMPHASIS)

FARMERS APPENDIX PAGES 1-12 cont.:

e. NOT TRUE.(A BIG LIE,EMPHASIS)

16. TRUE . HIGH RATINGS. BUT, NOT TRUE THAT FARMERS GAVE OVERLY-GENEROUS RATINGS(EMPHASIS)

17. Part True. Frank Reinesto excellent Analyst the rest a lie, as he was Mexican American and mentioned as being discriminated against, since they would not promote him to Manage of Mutual Fund.(CLASS ACTION).

18. Not True.

19. Not true. (SEE ANSWERS TO ALL REPLYS)

EQUAL PAY:

20. Not True. (SEE PAGE 5 of REPLY)

TERMINATION:

21. Not true. (No accusations but ACTUAL FACT OF BEING HARRASSED BY MR. BOCK). (See pages 6,7 of Reply)

22. True.

23. True.

24. Not True. (1½ hr. training)

25. Not True. (MT. Bock threatened me and harrassed me. I never refused to do the work.

26. Not true. (Threatened)

27. Not True. (Threatened)

28. Not true,(NO INSUBORDINATION) Did not refuse to do work.

29. Not true. Did not refuse to do work. (Threatened)

FARMERS APPENDIX PAGES 1-12 cont.:

30. Questionable.

31. Half-True. Plaintiff never threw memo in wastebasket and never refused to do work.

32. Not True. (RECORD SPEAKS FOR ITSELF) (DOUBLE EMPHASIS).

33. Not True. (See Answers to Reply, Pages 6,7.).

RETALIATION:

34. Half-True. This business of Glenda Hendricks not recalling is a total lie(Emphasis)I, Mary Taberoff likes to treat others like human beings. Glenda Hendricks told my attorneys that she had a stroke but, would come to Court to testify for me. I was concerned she might drop dead in Court so did not subpoena her.)

35. COURT COMPLETKY ERRED. (DOUBLE EMPHASIS).

36. FACTS NOT CREDIBLE.(DOUBLE EMPHASIS).

CONCLUSIONS OF LAW Pages 11,12.

1. True.
2. True.
3. Not True. (See Page 5 in REPLY)
4. Not True(See Pages 3,4,5 in Reply)
5. Not True(See Pages 6, 7 of Reply)
6. Not True.(See 6,7 in Reply)
7. QUESTIONABLE.
8. NOT TRUE.
9. NOT TRUE.

THE DISTRICT COURT AND APPEALS COURT: Clearly erroneous)(DOUBLE EMPHASIS)

26-0060 949 11501 5M
PRINTED IN U.S.A. 67

INTER-OFFICE CORRESPONDENCE

USE SEPARATE SHEET FOR EACH POLICY OR CLAIM REFERENCE

☐ FARMERS ☐ TRUCK ☐ FIRE ☐ MID-CENTURY ☐ FARMERS NEW WORLD LIFE ☐ TEXAS COUNTY MUTUAL ☐ PREMATIC

STATE_____ DIST._____ AGENT_____ DATE January 19, 1970

TO: Mr. R. A. Hollyfield

INSURED_____
POLICY —, PREMATIC, OR TRUCK CL NO._____

FROM: Investment Department
DEPT. & REGIONAL OFFICE OR AGENT'S NO.

LOSS DATE_____ GEN. FILES CODE_____

MASTER FILE NUMBER_____

APPENDIX

13-A

Several months ago I spoke with Mr. Rudy and said that I wanted to become an analyst. When he so strongly objected I told him that he was discriminating against me. He said, "Yes, I am discriminating against you because you are a woman and I do not want a woman as an analyst working with the man over there." He told me that I was being underpaid by at least three hundred dollars per month for the work I was doing here...not only once, but at least six times. I am grateful for the cost of living increase. I asked Mr. Bock to speak with Mr. Rudy and with personnel to place me in a higher classification. Now, I am told that Mr. Rudy informed personnel that the work that I am doing is not worth any more than what I am presently earning. How do you reconcile these inequities in this department? I would appreciate the opportunity to discuss this further with you. Thank you.

cc. R. R. Bregal
George Maalach

Mary Taberoff

FARMERS INSURANCE GROUP

FARMERS INSURANCE EXCHANGE
TRUCK INSURANCE EXCHANGE
FIRE INSURANCE EXCHANGE
MID-CENTURY INSURANCE COMPANY
FARMERS NEW WORLD
LIFE INSURANCE COMPANY

Executive Offices

4680 WILSHIRE BOULEVARD
LOS ANGELES, CALIF. 90054
TELEPHONE: (213) 931-1961

ROBERT E. EARLY
EXECUTIVE DIRECTOR

January 2, 1972

Miss Mary Taberoff
232 South Reeves Drive
Beverly Hills, California 90212

Dear Miss Taberoff:

It is with a deep sense of personal appreciation that I extend to you my congratulations on your tenth anniversary with the Farmers Insurance Group. Your support and loyalty to the principles of service and integrity upon which this company was founded have contributed much to its growth and success.

Your efforts in behalf of the company have not gone unnoticed. Persons such as you, who have had considerable experience with us, are a valuable asset. Your conscientious work during the past ten years has indeed helped to make a reality of our slogan "Superior Service".

I trust the time you have spent with us has been pleasant and profitable. I am sure we can look forward to many more prosperous years of association with the Farmers Insurance Group.

Sincerely yours,

Robert E. Early
Executive Director

REE:kmo

APPENDIX

FARMERS INSUR

May 24, 1972

Mary Taberoff

In response to your request, your dismissal was for failure to cooperate with your supervisors.

Donna Taylor

Donna Taylor
Personnel Assistant

15-A (SPECIAL NOTE: GIVEN TO MARY TABEROFF NINE DAYS AFTER DISMISSAL)

JAMES A. MAGDLEN, C.F.A.
Assistant Vice President

Unigard Insurance Group

March 22, 1974

To Whom It May Concern:

In reference to the credentials of Mary Taberoff, during a period of approximately 6 1/2 years, it was my pleasure to work with her while both of us were employed by the Farmers Insurance Group. I found that she was extremely hard working, cooperative and thorough in carrying out her responsibilities. She has the ability to assume responsibility and is not afraid to tackle new projects; in fact, thrives on them. She has always been punctual, possessed good taste in her appearance and was able to communicate effectively with her fellow employees. I would welcome any inquires on her behalf.

Sincerely,

James A Magdlen

Assistant Vice President
C.F.A.

JAM:cmn

APPENDIX

16-A

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 11 1979

RICHARD H. DEANE
CLERK, U.S. COURT OF APPEALS

APPENDIX

MARY TABEROFF,

Plaintiff/Appellant,

and

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff/Intervenor,

vs.

FARMERS GROUP, INCORPORATED AND FARMERS INSURANCE GROUP,

Defendants/Appellees.

No. 79-3353

DC#CV74-1108 WPG
CENTRAL CALIFORNIA

17-4-(1)

ORDER

Before: ANDERSON, Circuit Judge.

The Court recognizes that some of the materials submitted by appellant may be irrelevant or not properly part of the record. Hopefully, some of the confusion as to what was before the district court will be cleared up when the district court transmits the record on appeal after appellee's brief is filed. See Rule 4(f), Rules of the United States Court of Appeals for the Ninth Circuit. In the meantime, appellant's pro se brief, while not complying with Rule 28, Federal Rules of Appellate Procedure, does adequately apprise appellee of appellant's contentions on appeal. In the interest of judicial economy, appellee's motion to strike documents is denied, the objections made therein are referred to the panel which considers this appeal on its merits and appellant's opening brief is ordered filed. Appellee is granted an extension of time of forty-two (42) days from the entry of this order in which to file its brief.

All other pending motions, including appellee's motion to correct caption are denied.

J. Blaine Anderson
United States Circuit Judge

1J 10/10/79

APPENDIX

17-4 (2)

APPENDIX

18 4-(1)

San Francisco, Calif. 94101
Telephone: (415) 986-1980

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MARY TABEROFF, EILEEN O. AULENBACHER, HAROLD MOORE, and MANUEL VANEGAS, individually and on behalf of all others similarly situated,

Plaintiffs,

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Intervenor Plaintiff,

v.

FARMERS GROUP, INCORPORATED and FARMERS INSURANCE GROUP,

Defendants.

AFFIDAVIT OF GLENDA HENDRICK

STATE OF CALIFORNIA)
) ss.:
COUNTY OF LOS ANGELES)

GLENDA HENDRICK states:

1. I am a resident of ~~Oxnard~~ Santa Paula, California and have been employed for several years for several employment agencies, including Snelling and Snelling.

2. I am presently serving as the manager of Snelling and Snelling of Oxnard, using the registered (with the Bureau of Employment Agencies) desk name of Lynn Henry.

3. In November of 1973 I had occasion to receive a letter and resume of Mary Taberoff while working as Manager of

EXHIBIT "A"

18 ▲ (2)

HART & ANDERSON
ATTORNEYS AT LAW
100 BUSH STREET
SUITE 2900
SAN FRANCISCO 94104
986-1550

Snelling and Snelling of Glendale. After talking to Ms. Taberoff on the phone I checked references on her because of the information she had given me regarding her status of no longer being employed by Farmers Insurance Group.

4. At that time I talked to a Mr. Hollyfield of Farmers Insurance Group. Although it has been a long time and I no longer have access to Ms. Taberoff's application, resume and original correspondence I do remember Mr. Hollyfield stating that basically Ms. Taberoff was a troublemaker and a women's libber.

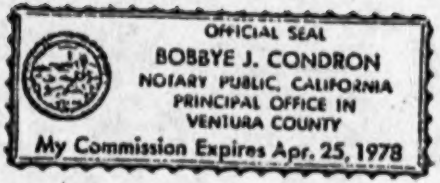
18 ▲ (3)

5. This type of a reference caused me not to work her application. If I know that an applicant will not, get good references from past employers I do not work the application. I work on a commission basis and would be working to no avail if I could not place a person that would not be receiving good references, thus not being hirable.

Glenda Hendrick

GLENDA HENDRICK

Subscribed and sworn to before
me this 26 day of August, 1976.



Bobbye J. Condron
Notary Public

28 A(4)

MARY TABEROFF, PRO SE
P.O.Box 272
Kempner, Texas, 76539
Telephone: (512)932-3129

DATE AUGUST 4, 1981

Mary Taberoff

MARY TABEROFF, PRO SE

CERTIFICATE OF SERVICE

I, Mary Taberoff, Pro Se, under the penalty of perjury, hereby testify that this "Reply Brief" is true and correct to the best of my knowledge. On August 4, 1981, I put respective copies in envelopes, sealed them and mailed from the Lampasas Post Office, Lampasas, Texas, First Class Mail to the following: (40 copies to Court)

Three copies to: Jack N. Halgren, Atty.
Gibson, Dunn & Crutcher of Counsel
2029 Century Park East
Los Angeles, California 90067

Three copies to: Solicitor General
Department of Justice
Rm.5614 Washington, D.C. 20530

Three copies to: Colleen O'Connor, App. Atty.
EEOC
2401 E. ST., N.W.
Rm2294 Washington, D.C. 20506

DATE AUGUST 4, 1981

Mary Taberoff

Mary Taberoff, Pro Se

SWORN TO AND SUBSCRIBED BEFORE BY Mary Taberoff, a credible person, this 4th day of August, A.D. 1981.

Frances Porter

Notary Public in and for
Lampasas County, Texas

Commission expires 4-13-85